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09/823,769	03/31/2001	Anil K. Annadata	SBL0003US	6443
60975 7590 10/16/2008 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758				
EXAMINER REFAI, RAMSEY				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/823,769

**Applicant(s)**

ANNADATA ET AL.

**Examiner**

Ramsey Refai

**Art Unit**

3627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims pending in the application are 2,5-9,11,13-16,18,19,21,24-28,30,32-34,37-43,45-47,49,50 and 52-60.

**DETAILED ACTION**

***Response to Amendment***

Responsive to Amendment filed June 30, 2008. Claims 2, 15, 21, 34, and 49 have been amended. Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-60 remain pending.

***Response to Arguments***

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2, 15, 21, 34, and 49: the limitations "a communication channel", "said communication channel", "each said channel driver implementation", "a corresponding media-specific communication channel" lack proper antecedent basis.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mears et al (US Patent No. 7,092,509) in view of "Official Notice".

6. As per claim 2, Mears et al teach an apparatus for communicating using a communication channel comprising:

a configurable communication server configured to communicate, in a media-independent manner via one or more media specific communication channels using a corresponding channel driver associated with each communication channel (**see at least column 10, lines 14-22; software for each media type**) allow the communication server to communicate via a corresponding media specific communication channel independently of a media type of and vendor-dependent communication protocols for said corresponding

communication channel (**see at least column 41, lines 45-55, column 1, lines 20-30, column 3, lines 19-40, column 10, lines 14-19**)

access information regarding a type of communication that uses the communication channel determine a command to issue to the communication channel to cause an outgoing communication to be sent if the type of communication is outgoing; and determine an event response to perform in response to an event if the type of communication is incoming wherein the information is accessed from a memory storing data corresponding to a configuration of the communication channel (**see at least column 10, lines 24-column 11, lines 5**) and

a web browser-based media-independent user interface comprising a first user interface object configured to provide a notification of the event received from the communication channel and wherein the user interface displays a single web browser-based toolbar providing a visual depiction of all options available to a user to participate in said outgoing and incoming communications (**see at least column 38, lines 28-40, column 39, lines 18-67**).

Mears et al fail to **explicitly** teach that the media-specific communication channels are *of one or more vendors and wherein each vendor of a communication channel provides a channel driver implementation for a corresponding channel driver associated with said communication channel and wherein each said channel driver implementation is configured according to a common communication application program interface*. However, "Official Notice" is taken that the concept of these features are well known in the art as evidenced by Sadovsky et al (US 7,047,534, see at least abstract, column 1, line 65-column 2, line 25, column 6, line 4-column 7, line 15) and Furner et al (US 5,974,474, see at least column 1, lines 50-60). It would have been obvious to one of ordinary skill in the art to include this feature in Mears et al because doing so would allow Mears et al's system to use vendor specific communication channels by using drivers provided by vendors of those communication channels.

7. As per claim 5, Mears et al teach an apparatus comprising:  
  
a database comprising an event record, wherein the event record comprises the information regarding the event **(see at least column 2, lines 9-21, column 10, line 25-column 11, line 5)**.
  
8. As per claim 6, Mears et al teach an apparatus wherein the configurable communication server is configured by performing one of adding the event record to the database, modifying the event record in the database, and deleting the event record from the database **(see at least column 2, lines 9-21, column 10, line 25-column 11, line 5)**.
  
9. As per claim 7, Mears et al teach an apparatus comprising: at least one event handler and wherein the event record comprises a name of one event handler of the at least one event handler for handling the event and the configurable communication server uses the one event handler named in the event record for handling the event **(see at least column 49, lines 4-13, column 56, lines 45-50)**.
  
10. As per claim 8, Mears et al teach an apparatus wherein the database further comprises an event response record associated with the event record; and the configurable communication server is further configured to determining the event response by accessing the event response record associated with the event record **(see at least column 49, lines 4-13, column 56, lines 45-50)**.
  
11. As per claim 9, Mears et al teach an apparatus wherein the information regarding the event further comprises information regarding the event response; and the configurable

communication server is further configured to perform the event response **(see at least column 3, lines 10-40, column 49, lines 4-13, column 56, lines 45-50)**

12. As per claim 11, Mears et al teach an apparatus wherein the configurable communication server is coupled to the channel driver such that the configurable communication server receives the event from the communication channel via the channel **(see at least column 3, lines 20-40, column 41, lines 45-62, fig 50).**

13. As per claim 13, Mears et al teach an apparatus comprising: a user interface comprising a user interface object capable of being activated, wherein the configurable communication server is configured to send the outgoing communication to the communication channel when the user interface object is activated **(see at least column 39, lines 53-67, column 9, lines 55-67).**

14. As per claim 14, Mears et al teach an apparatus wherein: the configurable communication server is configured to send the outgoing communication by issuing the command to the communication channel **(see at least column 9, lines 55-67, column 10, line 25-column 11, line 5).**

15. As per claims 15-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-53 these claims contain similar limitations as claims 2, 5-9, 11, 13-14 above, therefore are rejected under the same rationale.



16. As per claim 54, Mears et al teach memory storing data corresponding to the configuration of the communication channel is a database (**see at least column 2, lines 9-21, column 10, line 25-column 11, line 5**).

17. As per claim 55, Mears et al teach wherein the database comprises one or more of: information regarding a channel driver associated with the communication channel; a media type associated with the communication channel, a media string used by the configuration server at run time to invoke a media service for the channel driver; one or more channel parameters and a default value for each of the one or more channel driver parameters (**see at least column 2, lines 9-21, column 10, line 25-column 11, line 5**)..

18. As per claims 56-60, Mears et al teach wherein said media-specific communication channel relates to *one of the* following media types: telephone; e-mail; fax; web collaboration; the Interact call-me-now; the Internet call-me-later; web chat; wireless access protocol; paging; and a short messaging service (**see at least column 41, lines 45-55**).

### ***Conclusion***

**Examiner's Note:** The Examiner has cited specific citations in the reference(s) as applied to the claim(s) above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing their response, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai  
October 13, 2008  
/R. R./  
Examiner, Art Unit 3627

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627